

Outdoor Fire Pit / Fireplace Requirements

Definitions:

Open Burning – The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

Recreational Fire – An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace (chimneys), barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

The following will be the Nassau County Fire Marshal's Office policy regarding the requirements for the use of Outdoor Fire Pit / Fireplace Equipment; this shall apply to new and existing locations:

Bonfires – No person shall kindle, maintain, authorize or permit any bonfire or other open fire on or in any street, alley, road, land or public grounds or upon any private lot, where such fire may endanger other property. (*Nassau County Fire Prevention Ordinance, Article XIV, section 14.0*)

Open Burning and Recreational Fires: Fire Code of NYS Section 307

- **Prohibited open burning.** Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fire hazardous shall be prohibited.
(*Fire Code of NYS Section 307.1.1*)

Location. The location of open burning shall not be less than fifty (50) feet from any structure, and provisions shall be made to prevent fire from spreading to within **fifty (50) feet** of any structure. (*Fire Code of NYS Section 307.4*)

Exceptions:

1. Fires in approved containers that are not less than fifteen (15) feet from a structure.
2. The minimum required distance from a structure shall be twenty five (25) feet where the pile size is three (3) feet or less in diameter and two (2) feet or less in height.

- **Bonfires.** Bonfires shall not be conducted with fifty **(50) feet** of a structure or combustible material unless the fire is contained in a barbeque pit. Conditions which could cause a fire to spread within fifty **(50) feet** of a structure shall be eliminated prior to ignition. *(Fire Code of NYS Section 307.4.1)*
- **Recreational fires.** Recreational fires shall not be conducted with twenty five **(25) feet** of a structure or combustible material. Conditions which could cause a fire to spread with twenty five **(25) feet** of a structure shall be eliminated prior to ignition. *(Fire Code of NYS Section 307.4.2)*
- **Attendance.** Open burning; bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one (1) portable fire extinguisher complying with (FC of NYS) Section 906 with a minimum 4-A (10lb. ABC Class) rating shall be available for immediate utilization. *(Fire Code of NYS Section 307.5)*

The equipment and situations involved shall be investigated and inspected on a case by case basis to determine the needs and requirements of each individual location. This letter of codes and requirements shall not be applied as a general approval of any installation, but shall be used as a instrument to determine conformance or non-conformance with the Fire Code of New York State and the Nassau County Fire Prevention Ordinance. It should be understood that there may be more restrictive codes and regulations by other government agencies or local towns, villages, or cities.

Important – Check the NYS Department of Environmental Conservation (www.dec.ny.gov) for any “Burn Bans” or “Red Flag Advisories” which would ban the use of outdoor fire pits / fireplaces and any open burning that would produce embers capable to igniting dry vegetation and brush.